

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 8, 2009

**D055221     People v. Silva**

A defendant has no standing to bring a post judgment motion to recall or modify his or her sentence. (*People v. Chlad* (1992) 6 Cal.App.4th 1719, 1724.) The May 18, 2009, order denying Frankie Silva's motion to modify his sentence is not appealable. (*Id.* at p. 1725-1726.) The appeal filed on May 28, 2009, is dismissed.

**D054651     In re Areas on Habeas Corpus**

The petition is denied.

**D054753     Wilson v. Superior Court of San Diego County/U.S. Financial, LP**

The petition for writ of mandate, the motion to augment record and opposition to the motion to augment have been read and considered by Justices Benke, Huffman and Irion. The motion to augment record is granted. The petition is denied.

**D055203     D'Angelo v. Superior Court of San Diego/People**

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, Huffman and Irion. The petition is denied.

**D054934     In re Dumas on Habeas Corpus**

The petition is denied.

**D055208     Kolender v. Superior Court of San Diego County/Jorge F., a Minor**

The petition is denied.

**D055216     McFann v. Superior Court of San Diego County/Elite Access Systems**

At the request of petitioner, the petition for writ of mandate is dismissed.

Court convened at 9:00 a.m.

Present:     The Honorable Patricia Benke, Acting Presiding Justice, and  
                  The Honorable Associate Justices Gilbert Nares and James McIntyre

Clerk:        D. Moore

**D053552     Dyche v. City of San Diego et al.**

Cause called on merits. Rodney L. Dyche argued for appellant in pro per. Elaine L. Chan, Deputy City Attorney, argued for respondent. Frank Tobin, Esq. argued for respondent, San Diego Medical Services. Mr. Dyche replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 8, 2009 (Continued)

Court recessed at 9:40 a.m. to change panels.

New panel members: The Honorable Judith McConnell, Presiding Justice, and  
The Honorable Associate Justices Patricia Benke and James McIntyre

**D052629     Avila et al. v. City of Oceanside et al.**

Cause called on merits. William David Shapiro, Esq. argued for appellant.  
Deborah L. Nash, Esq. argued for respondent. Mr. Shapiro replied.  
Cause submitted.

**D052127     Ali et al. v. U.S.A. Cab Ltd. et al.**

Cause called on merits. Howard Scott Leviant, Esq. argued for appellant.  
Jonathan P. Green, Esq. argued for respondent. Mr. Leviant replied.  
Cause submitted.

Court recessed at 10:47 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and  
The Honorable Associate Justices Gilbert Nares and James McIntyre

**D053920     In re J.G. et al., Juveniles**

Cause called on merits. Neale Bachmann, Esq. argued for appellants, J.G. and P.G.  
Donna Kaiser, Esq. argued for appellant, V.M. Lisa Maldonado, Deputy County  
Counsel, argued for respondent. Ms. Bachmann replied. Ms. Kaiser replied.  
Cause submitted.

**D052637     Howard v. Dewitt**

Cause called on merits. Lance Orloff, Esq. argued for appellant.  
Richard Huver, Esq. argued for respondent. Mr. Orloff replied. Cause submitted.

Court recessed at 11:26 a.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and  
The Honorable Associate Justices Patricia Benke and James McIntyre

**D053690     Blazeovich et al. v. Rady**

Cause called on merits. Thomas M. Tomlinson, Esq. argued for appellant, Cruz.  
Timothy C. Bryson, Esq. argued for appellant, Blazeovich. Stephen Michael Shaw,  
Esq. argued for respondent, Rady. Mr. Tomlinson replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 8, 2009 (Continued)

Court recessed at 11:57 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and  
The Honorable Associate Justices Patricia Benke and Gilbert Nares

Clerk: D. Moore

**D054754 People v. Hajjaj**

Cause called on merits. Alan Douglas Tate, Deputy District Attorney, argued for appellant. Douglas G. Benedon, Esq. argued for respondent. Mr. Tate replied. Cause submitted.

**D053524 Kennedy et al. v. Cummings et al.**

Cause called on merits. Jill McDonell, Esq. argued for appellant. John T. Farmer, Esq. argued for respondent. Ms. McDonell replied. Cause submitted.

Court recessed at 2:21 p.m. to change panel members.

New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and  
The Honorable Associate Justices Gilbert Nares and James McIntyre

**D050656 Resnik et al. v. Roberts**

Cause called on merits. Autumn McCulloch, Esq. was present in oral argument for appellant, but had nothing to add to the argument. Glen R. Roberts, appellant, in pro per, submitted on the briefs. Cause submitted.

Court recessed at 2:29 p.m. until Tuesday, June 9, 2009 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
June 9, 2009

- D054061     In re Elizabeth P., a Juvenile**  
The appeal is dismissed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.
- D052719     People v. Linton**  
The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.
- D053480     People v. Kirkland**  
The judgment is affirmed. Huffman, Acting P.J.;  
We Concur: McDonald, J., Aaron, J.
- D051669     Huber et al. v. Jackson et al.**  
The judgment is affirmed. The Episcopal Church and the Los Angeles Diocese are  
entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J, McIntyre, J.

Court convened at 9:00 a.m.

Present:     The Honorable Richard Huffman, Acting Presiding Justice, and  
                 The Honorable Associate Justices Gilbert Nares and Joan Irion  
Clerk:        D. Moore

- D053261     People v. Mirenda**  
Cause called on merits. James E. Atkins, Deputy District Attorney, argued for  
appellant. Libby Anne Ryan, Esq. was present in oral argument for respondent and  
submitted on the briefs. Cause submitted.

Court recessed at 9:10 a.m. to change panels.

New panel members:     The Honorable Richard Huffman, Acting Presiding Justice, and  
   The Honorable Associate Justices Alex McDonald and Joan Irion

- D053556     Abdou v. County of San Diego et al.**  
Cause called on merits. Theona Zhordania, Esq. argued for appellant. C. Ellen  
Pilsecker, Deputy County Counsel, argued for respondent. Ms. Zhordania replied.  
Cause submitted.
- D053528     Gordon v. Fuller Hein Properties**  
Cause called on merits. Roy L. Carlson, Jr., Esq. argued for appellant.  
Martin J. Mullen, Esq. argued for respondent. Mr. Carlson replied.  
Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 9, 2009 (Continued)

Court recessed at 9:55 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

**D052270     Golden v. Lasher et al.**

Cause called on merits. Lisa Golden, argued for appellant in pro per.  
Cause submitted.

Court recessed at 1:41 p.m. to change panel members.

New panel members:     The Honorable Richard Huffman, Acting Presiding Justice, and  
                                     The Honorable Associate Justices Alex McDonald and Terry O'Rourke

**D053391     Messenger Courier Association of the Americans et al. v. California  
Unemployment Insurance Appeals Board**

Cause called on merits. William Hays Weissman, Esq. argued for appellant.  
Leslie Branman Smith, Deputy Attorney General, was present in oral argument,  
but did not argue. Steven Jay Green, Esq. argued for respondent. Mr. Weissman  
replied. Cause submitted.

Court recessed at 2:10 p.m. to change panel members.

New panel members:     The Honorable Alex McDonald, Acting Presiding Justice, and  
                                     The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D054740     People v. Anderson**

Cause called on merits. Richard Allan Levy, Esq. argued for appellant.  
James Henry Flaherty, Deputy Attorney General, argued for respondent.  
Mr. Levy replied. Cause submitted.

Court recessed at 2:30 p.m. until Wednesday, June 10, 2009 at 9:00 a.m.

**D054596     People v. Cleek**

The sentence is vacated and the matter is remanded to the Superior Court for  
resentencing in accordance with this opinion. In all other respects, the judgment is  
affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D054555     In re A.D., a Juvenile**

The jurisdictional findings and dispositional judgment are reversed. The remittitur  
is to issue forthwith. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 9, 2009 (Continued)

**D053356     People v. Samarron**

The judgment is affirmed.

Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D054952     In re T.A. et al., Juveniles**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D054940     Bakker v. Muehl et al.**

The court has received and considered the following correspondence addressing the issues of whether plaintiff Simona R. Bakker's appearance in propria persona in this action and appeal in the capacity of trustee of the Bakker Family Trust, July 14, 2005, violates the statutory prohibition against the unauthorized practice of law and, if so, what remedy applies: plaintiff's letter dated May 12, 2009; defendants Michael and Julie Muehl, Commonwealth Land Title Co., and Michael Wexler's letter dated May 20, 2009; defendants/cross-complainants Phyllis and Stanley Hoffman's letter dated May 21, 2009; plaintiff's letter dated May 22, 2009; defendant Allen Gruber's letter dated May 27, 2009; and defendants Michael and Julie Muehl, Commonwealth Land Title Co., and Michael Wexler's letter dated May 28, 2009. The court notes that the Hoffmans' letter and plaintiff's May 22 letter also address the issue of whether the appeal should be dismissed as to the Hoffmans on the ground there is no final judgment resolving all issues between plaintiff and the Hoffmans due to the Hoffmans' pending cross-complaint against plaintiff and her husband.

The matter having been considered by Presiding Justice McConnell and Associate Justices Benke and Huffman, the court rules on the matters addressed in the parties' letter briefs as follows: Defendants Michael and Julie Muehl, Commonwealth Land Title Co., and Michael Wexler's requests for judicial notice are denied. The appeal is dismissed as to defendants/cross-complainants Phyllis and Stanley Hoffman on the ground there is no final judgment disposing of all causes of action between plaintiff and the Hoffmans. There cannot be a final judgment with respect to parties as to whom a cross-complaint remains pending, even though the complaint has been fully adjudicated. (*Angell v. Superior Court* (1999) 73 Cal.App.4th 691, 697-698; *California Dental Assn. v. California Dental Hygienists' Assn.* (1990) 222 Cal.App.3d 49, 59.) The dismissal is without prejudice to the right to appeal from a judgment that completes the disposition of all causes of action and appeal between plaintiff and the Hoffmans. The issues of whether plaintiff's appearance in propria persona in this action and appeal in her capacity as trustee violates the statutory prohibition against the unauthorized practice of law and, if so, what remedy applies, will be considered as issues in the appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 9, 2009 (Continued)

- D052993     Smith et al. v. Pacific Law Center, PC**  
Judgment affirmed. Respondent to recover its costs.  
Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.
- D053304     Government Employees Insurance Company v. Tower Glass, Inc./Kalwall Corporation**  
The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.
- D053908     Harris v. Metropolitan Transit System et al.**  
The judgment is affirmed. MTS is awarded its costs on appeal.  
McConnell, P.J.; We Concur: Benke, J., Nares, J.
- D051337     People v. Carrea**  
**D053630     In re Carrea on Habeas Corpus**  
The petition for rehearing is denied.
- D054850     Elliott v. Hernandez**  
The court has received plaintiff's letter dated May 27, 2009, and defendant's letter dated May 19, 2009, addressing the issue of whether plaintiff's appeal should be dismissed. The matter having been considered by Presiding Justice McConnell and Associate Justices Benke and Huffman, the appeal is dismissed on the grounds it is untimely as to the judgment entered on October 8, 2008, and the February 27, 2009 order identified in the notice of appeal is not an appealable order. The court is powerless to deem plaintiff's notice of appeal timely based on his limited access to the prison law library. The court may not extend the time to appeal, even to relieve against mistake, inadvertence, accident, or misfortune. (*Maynard v. Brandon* (2005) 36 Cal.4th 364, 372-373.)
- D053205     In re Watson on Habeas Corpus**  
The relief sought in the petition for writ of habeas corpus is granted. The BPH is directed to find Watson suitable for parole unless, within 15 days of the finality of this decision, the BPH schedules a hearing that shall be scheduled for a date not more than 120 days after the finality of this decision to permit compliance with Penal Code section 3043, subdivision (a), for the limited purpose of determining whether new evidence of Watson's conduct in prison subsequent to his July 2007 parole hearing supports a determination he currently poses an unreasonable risk of a danger to society if released on parole. In the interests of justice and to prevent frustration of the relief granted, this decision shall be final as to this court 10 days after it is filed. (*In re Gaul, supra*, 170 Cal.App.4th at p. 41.)  
McDonald, J.; We Concur: McConnell, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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- D052743     Balzaga et al. v. Fox News Network, LLC**  
The petition for rehearing is denied. Justices McConnell and Haller concur in the denial; Justice Aaron would grant.
- D053292     People v. Gonzalez**  
The judgment is reversed and the matter is remanded to the trial court to conduct further proceedings, consistent with this opinion and *Galland*, to reconstruct or settle and then augment the record. Once the record is reconstructed or settled and then augmented, the trial court should reinstate the judgment unless the case is resolved in another permissible manner. Once the judgment is reinstated, Gonzales may file a new appeal subject to the same timeliness and procedural requirements as any other appeal. If the record cannot be reconstructed or settled, the trial court should conduct further proceedings to determine the appropriate remedy. McConnell, P.J.; We Concur: Benke, J., Nares, J.
- D051792     People v. Brown**  
The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Aaron, J.
- D052091     People v. Mena**  
The petition for rehearing is denied.
- D052927     Gofat, LLC et al. v. Pilot**  
The petition for rehearing is denied.
- D055206     Valdez v. Superior Court of San Diego County/Certainteed Corporation**  
Let a peremptory writ of mandate issue directing the superior court to vacate its May 22, 2009, order to the extent it sets trial beyond the statutory 120-day period, and enter an order setting trial within 120 days of May 22. Plaintiffs are entitled to costs in the writ proceeding. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.490(b)(3).) Benke, Acting P.J.;  
We Concur: Huffman, J., Irion, J.
- D054959     In re Hale on Habeas Corpus**  
The petition is denied.



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- D054028     San Diego City Firefighters, Local 145, IAFF, AFL-CIO et al. v. City of San Diego**  
The trial court's award of costs to Steve S. Choi and San Diego City Firefighters, Local 145, IAFF, AFL-CIO is reversed. Irion, J.;  
We Concur: McDonald, Acting P.J., Aaron, J.
- D053127     People v. Lackmann**  
The judgment is affirmed.  
Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.
- D054160     In re Anna A. et al., Juveniles**  
The orders are affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D053514     Chen v. Ouellette et al.**  
The judgment is affirmed. The Ouellettes and Shields are entitled to their costs on appeal. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

Court convened at 9:00 a.m.

Present:     The Honorable Patricia Benke, Acting Presiding Justice, and  
                 The Honorable Associate Justices James McIntyre and Terry O'Rourke  
Clerk:        D. Moore

- D053717     K2 Construction, Inc. v. Anjani Investments, Inc.**  
Cause called on merits. James C. Mitchell, Esq. argued for appellant.  
Geoffrey James McConnell, Esq. argued for respondent. Mr. Mitchell replied.  
Cause submitted.

Court recessed at 9:22 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present:     The Honorable Richard Huffman, Acting Presiding Justice, and  
                 The Honorable Associate Justices Terry O'Rourke and Joan Irion  
Clerk:        D. Moore

- D053545     In re J.R., a Juvenile**  
Cause called on merits. Anthony Edward Columbo, Esq. argued for appellant.  
Ellen McGlynn, Deputy Attorney General, argued for respondent.  
Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 10, 2009 (Continued)

**D054748    People v. Rocha**

Cause called on merits. Stephen S. Buckley, Esq. argued for appellant.  
Jennifer Anne Jadovitz, Deputy Attorney General, argued for respondent.  
Mr. Buckley replied. Cause submitted.

Court recessed at 2:06 p.m. to change panel members.

New panel members:    The Honorable Alex McDonald, Acting Presiding Justice, and  
                                 The Honorable Associate Justices Alex McDonald and Joan Irion

**D054122    Speights v. City of Oceanside et al.**

Cause called on merits. Mark Anthony Brencick, Esq. argued for appellant.  
David William Skinner, Esq. argued for respondent. Mr. Brencick replied.  
Cause submitted.

Court adjourned at 2:38 p.m.

**D052587    Silver Creek, LLC et al. v. Blackrock Realty Advisors, Inc.**

The petition for rehearing is denied.

**D055042    In re Thompson on Habeas Corpus**

The petition is denied.

**D054913    In re Brown on Habeas Corpus**

The petition for writ of habeas corpus has been read and considered by  
Justices Benke, Huffman and Irion. We take judicial notice of prior petition  
Nos. D053322, D053323, D054132 and D054587. Petitioner is a prisoner at  
Calipatria State Prison. He raises issues related to his placement in the behavior  
modification unit (BMU). Petitioner challenged his placement in the BMU and  
other related issues in prior petition Nos. D053322, D053323, D054132 and  
D054587. The petition is therefore denied as repetitive and successive, and  
petitioner has not demonstrated an exception to the procedural bar. (*In re Clark*  
(1993) 5 Cal.4th 750, 765, 767-768, 797-798.) The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 10, 2009 (Continued)

**D054923     In re Brown on Habeas Corpus**

The petition for writ of habeas corpus has been read and considered by Justices Benke, Huffman and Irion. We take judicial notice of prior petition Nos. D053322, D053323, D054132, D054587 and D054913. Petitioner is a prisoner at Calipatria State Prison. He alleges prison officials are not properly processing his administrative appeals, thus preventing him from exhausting administrative remedies, and also raises issues related to his placement in the behavior modification unit (BMU). Even assuming petitioner properly exhausted administrative remedies, as the trial court found, the petition is procedurally barred. Petitioner challenged his placement in the BMU and other related issues in prior petition Nos. D053322, D053323, D054132, D054587 and D054913. The petition is therefore denied as repetitive and successive, and petitioner has not demonstrated an exception to the procedural bar. (*In re Clark* (1993) 5 Cal.4th 750, 765, 767-768, 797-798.) The petition is denied.

**D053528     Gordon v. Fuller Hein Properties**

The judgment is affirmed. Fuller Hein Properties is awarded costs on appeal. Irion, J.; Huffman, Acting P.J., McDonald, J.

**D053395     Enrique M. v. Angelina V.**

The trial court's April 22 order is affirmed. The trial court's July 5 denial of Enrique's motion for new trial is affirmed. Enrique is to bear costs on appeal. Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D055033     Marks Golia & Finch, LLP v. Bussman**

Pursuant to California Rules of Court, rule 8.140, the appeal filed April 27, 2009, is dismissed for Appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

**D054335     Trowbridge v. Smith**

The motion to dismiss the appeal and opposition have been read and considered by Presiding Justice McConnell and Associate Justices Benke and Huffman. The appeal filed on December 22, 2008, is dismissed.

**D053979     Alex O., a Minor v. Superior Court of San Diego County/The People**

The opinion filed May 27, 2009, is ordered published.

**D055241     Main Street Restaurant Group, Inc. v. Superior Court of San Diego County/Montazella**

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, Huffman and Irion. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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- D055205     People v. Keene**  
The petition is denied.
- D055207     People v. Pease**  
The petition is denied.
- D053397     Gilliland v. Bradshaw**  
Appellant's petition for rehearing is denied.
- D055260     Westside Athletic Club, LLC v. Superior Court of San Diego County/Farmer et al.**  
The petition for writ of prohibition and request for stay have been read and considered by Justices Benke, Huffman and Irion. The petition is denied.
- D053697     In re the Conservatorship of Seth H.**  
The order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.
- D052915     Krinsk v. Chiron Corporation**  
The order is affirmed. Chiron is awarded its costs on appeal.  
McIntyre, J.; We Concur: McConnell, P.J., Nares, J.
- D054662     Zachary B. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
Let a writ of mandate issue directing the superior court to (1) vacate the ICWA findings and the order terminating court-ordered reunification services to the father and (2) hold further proceedings to determine the issue of ICWA compliance and whether ordering services for the child and biological father would benefit the child. The stay issued on May 15, 2009 is vacated. The opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.490 (b)(3).) Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.
- D054121     In re Alexander on Habeas Corpus**  
The Governor's decision that Alexander remains unsuitable for parole because he is a current threat to public safety is supported by some evidence. Specifically, some evidence exists that: (1) Alexander may have wanted to kill other people at the time he murdered Smith; (2) Alexander does not fully accept his involvement in Smith's murder; and (3) Alexander continues to minimize his responsibilities, not only in connection with his commitment offense, but with rules violations as well. Therefore, the trial court erred in its evaluation of the Governor's decision. Accordingly, the trial court's decision to grant Alexander's petition for writ of habeas corpus is reversed with directions to enter a new order denying the petition. Huffman, Acting P.J.; I Concur: Haller, J.; I Dissent: McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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June 12, 2009

- D054630     People v. Terrones**  
The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., Irion, J.
- D054299     In re S.L. et al., Juveniles**  
The orders are affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McDonald, J.
- D048259     Riverwatch et al. v. County of San Diego Department of Environmental Health et al. v. Gregory Canyon Ltd. et al.**  
The judgment is affirmed. Respondents County of San Diego Department of Environmental Health and Gary Erbeck, Director of the County of San Diego Solid Waste Local Enforcement Agency, are awarded costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1).) Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.
- D049216     Riverwatch et al. v. County of San Diego Department of Environmental Health et al.**  
The judgment is affirmed. Respondents Riverwatch and Pala Band shall recover costs on appeal. (Cal. Rules of Court, rule 8.278(a).) Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.
- D055011     Parten v. Ayers**  
The appeal filed April 17, 2009, is dismissed because appellant did not timely deposit costs for preparing the record on appeal.
- D055022     Department of Transportation v. The Superior Court of San Diego County/Lebata, Inc., et al.**  
The petition is denied.
- D054546     Armstrong v. Department of Motor Vehicles**  
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D054705     Armstrong v. Department of Motor Vehicles**  
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D054939     In re Hernandez on Habeas Corpus**  
The petition is denied.
- D055065     In re Capps on Habeas Corpus**  
The petition is denied.